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28/358,459	03/08/99	SMALLWOOD	R	698-0119
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.

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SMITH, Z	EXAMINER
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2877	ART UNIT	PAPER NUMBER
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03/27/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/368,459

Applicant(s)

Smallwood

Examiner

Zandra V. Smith

Group Art Unit

2877



☐ Responsive to communication(s) filed on _____.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-7 and 29-34 is/are allowed.

☒ Claim(s) 8-16, 18-21, 27, and 28 is/are rejected.

☒ Claim(s) 17 and 22-26 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10, 15-16, 18-21, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yang (5,367,229)*.

3. As to **claims 7, 8, 10, 15, 19, 21, and 27**, Yang discloses a lamp ballast system, comprising;

a module (see figure) for driving a gas discharge lamp in response to electrical power supplied from a source comprising: means for receiving power from the source (col. 1, lines 45-50), an oscillator coupled to the receiving means for transforming power into an output signal at frequency and voltage that causes the lamp to produce visible light through gas discharge within the lamp (module means "5", col. 1, lines 47-55), and a circuit board having the oscillator mounted thereon (col. 1, lines 47-55 and item 6), wherein the circuit board is attached to the lamp (not shown).

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Yang differs from the claimed invention in that the circuit board is not integrally connected to the lamp, however, it would have been obvious to one having ordinary skill in the art at the time of invention to integrally connect the circuit board and the lamp since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art.

4. As to **claims 9, 16, 18, 20, and 28**, Yang shows all of the features that were enumerated in the 102(b) rejection above. Yang does not explicitly teach that the recited internally attached circuit board as is set forth in the instant claims. However, he does teach (col. 2, lines 18-27) that the lamp structure may be formed as an attachment to a ballast circuit (which of course would be mounted to some form of circuit board). He also teaches that the lamp may be formed as a wholly separate structure which may then be attached to a ballast via sockets. Therefore, to use the notoriously well known circuit board as a means by which an oscillator circuit is mounted and attached to a lamp, in the manner taught by Yang, would have been obvious to one having ordinary skill in the art at the time of invention.

Additionally, Yang differs from the claimed invention in that the circuit board is not integrally connected to the lamp, however, it would have been obvious to one having ordinary skill in the art at the time of invention to integrally connect the circuit board and the lamp since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art.

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It should be noted with regard to claims 16 and 28, that to by-pass a rectifier circuit and provide DC power directly to a convertor circuit for oscillation, in the situation where DC power supply is use, would have been obvious to one of ordinary skill in the art desiring to accommodate the use of such a power supply.

5. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yang* (5,367,229) in view of *Nilssen* (4,970,438).

6. As to **claim 11-14**, Yang shows all of the recited claim features enumerated in the previous rejection but fails to explicitly teach the recited heater elements as are set forth in claims 11-14. However, Nilssen discloses a ballast circuit which employs heater elements that are supplied power through output transformers (fig. 2b, structures T1, T2, E1, and E2, col. 3, lines 45-55 and col. 4, lines 1-10) as is recited in claims 11-14. Therefor, to use power supplying circuitry such as taught by Nilssen, in the device of Yang, would have been obvious to one of ordinary skill in the art at the time of invention desiring the power distribution/heating characteristics of the power supplying transformer circuitry taught by Nilssen.

7. It should be noted that the recited plurality of pins and receptacle, set forth in claims 14, are readable on elements 5 and 6 of Yang (see the figure where there is depicted a plurality of pins protruding from module 5 in the direction of ‘receptacle’ 6).

Allowable Subject Matter

8. Claims 1-6 and 29-34 are allowable over the prior art of record.

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9. Claims 17 and 22-26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: prior art of record fails to provide a module for driving a gas discharge lamp which includes a circuit board which mounts the oscillator within a volume having a cross-section which is substantially the same as the cross section of the lamp envelope.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Response to Arguments

12. Applicant's arguments filed August 4, 2000 have been fully considered but they are not persuasive. In regards to applicant's specific arguments concerning the integral connection of the circuit board and lamp, please see the examiner's notes above concerning the integral connection.

Fax/Telephone Numbers

13. If the applicant wishes to send a Fax dealing with either a proposed amendment or for discussion for a phone interview, then the Fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.


14. *Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:*

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(703) 308-7722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner* Zandra V. Smith whose telephone number is (703) 305-7776, and who is available Monday - Friday 6:30 a.m. - 4:00 p.m.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Zandra V. Smith
Patent Examiner
Art Unit 2877
March 22, 2001



Frank G. Font
Supervisory Patent Examiner
Art Unit 2877